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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,469	06/25/2003	Philip M. Sadler	55138-CON(71331)	3506
21874	7590	07/18/2005	EXAMINER	
EDWARDS & ANGELL, LLP			NGUYEN, THONG Q	
P.O. BOX 55874			ART UNIT	
BOSTON, MA 02205			PAPER NUMBER	

2872

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/606,469	Applicant(s) SADLER, PHILIP M. 	
	Examiner Thong Q. Nguyen	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-16 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-16 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the amendment filed on May 05, 2005. It is noted that in the mentioned amendment, applicant has amended claims 1, 21 and 23-24; canceled claim 3 and added a new claim, i.e., claim 25, into the application. A review of the device claimed in the newly-added claim 25 has resulted that the device of new claim has the same scope as that recited in the original claims 1-2, 4-16 and 21-24, and thus, all pending claims 1-2, 4-16 and 21-25 are examined in this Office action. Claims 17-20 were canceled by the applicant in the amendment of June 25, 2003.

Specification

2. The lengthy specification which is amended by the amendment has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-2, 4-16 and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) Claim 1 is rejected under 35 USC 112, second paragraph because it is unclear about the location of the face with respect to the screen, the telescope assembly and the telescope frame from the claim language thereof "a translucent screen... the second lens" as newly-added to the claim, lines 9-11.

Applicant should note that the device as described in the specification comprises a telescope frame for supporting a telescope assembly which comprises an objective lens (22), three folding devices in the form of mirrors or prisms (26, 28 and 30), an eyepiece lens (24) and a translucent screen (36). The translucent screen (36) is located inside the telescope frame and is visible to be observed from the sides and exterior of the telescope frame. See specification in pages 9 and 18, for example. The specification has never disclosed that screen is observed from a face opposite of the screen from the objective lens, the least two light folding devices, and the second lens as claimed.

b) Claim 21 is rejected under 35 USC 112, second paragraph for the same reason as set forth in element a) above. Further, each of the features "the objective lens" (lines 10-11) and "the second lens" (line 11) lacks a proper antecedent basis.

c) The remaining claims are dependent upon the rejected base claims and thus inherit the deficiencies thereof.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over James (U.S. Patent No. 3,603,664) in view of Braymer (U.S. Patent No. 2,753,760) (all of record).

James discloses a telescope system having a telescope rotatably mounted on a mounting system. The telescope system as described in columns 3-4 and shown in figures 1-2 comprises the following features: First, a telescope assembly having optics including at least two light folding elements (24, 25, 26), an eyepiece or camera (28) disposed near the focus (F) of the system, a projecting surface located around the position of the eyepiece or camera; Second, a telescope frame (14) of a spherical configuration for supporting the optics of the telescope assembly; and Third, a mounting system (12) having a curved supporting surface for rotatably supporting the telescope frame wherein the center of curvature of the curved surface © does not change during the process of rotation the telescope frame. It is noted that the mounting system (12) has a diameter which is matched or larger than the diameter of the telescope frame (14). It is also noted that each of the light folding elements is in the form of a mirror, and the range of the rotating angle cover a range of 0 degree to 90 degrees. The use of bearing elements (30) and ring (40) will stabilize the telescope frame at any specified elevation.

The only feature missing from the telescope system provided by James is that he does not explicitly state the use of an objective lens in the telescope assembly as claimed. However, a telescope system having a lens located in the object side of

the telescope which also comprises a pointing system is known to one skilled in the art as can be seen in the telescope system provided by Braymer. In his telescope system described in columns 2-3 and shown in figures 1-2, Braymer discloses the use of a lens element (7) at the object side of the telescope system and a pointing system having objective lens (19') which is in combination with a prism (18) provides a visual guide having an optical axis parallel to the axis of the light incident onto the first mirror (5,6).

Regarding to the feature that the at least two light folding devices and the second lens are structured to project an image on the interior surface of the telescope frame where it is observable from the outside of the telescope frame as recited in the last three lines of new claim 24, such a feature is readable from the combined product provided by James and Braymer. In other words, while James does not clearly show that the image formed by the light folding devices and lens is projected on an interior surface of the frame; however, such a feature is disclosed in the device of Braymer. The support for that conclusion is shown in the system of Braymer having lens and folding devices which are in combination projected an image on an interior surface of the frame which image is observed by an eyepiece system (13). See figure 1 and column 2.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the telescope system having a telescope frame supporting optics and a mounting system as provided by James by using a telescope assembly having a lens in the object side as suggested by Braymer for

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the purpose of correcting the image aberrations and a pointing system integrally to the telescope frame supporting the optics as suggested by Braymer for the purpose of providing a means for finding the object before an observation.

Allowable Subject Matter

7. Claims 1-2, 4-16 and 21-23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

8. Regarding to the rejection of claim 24, it is noted that applicant has not amended the claim and/or provided any arguments to prove that the device as claimed in patentable/distinguish from the art of record, and thus the claim is still rejected by the reason set forth in the previous Office action and now repeated in this Office action.

Regarding to the new claim 25, applicant has stated that the claim contains the feature of claim 7; however, a careful review of the claim 25 has resulted that the feature of claim 7 is not in the new claim 25.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

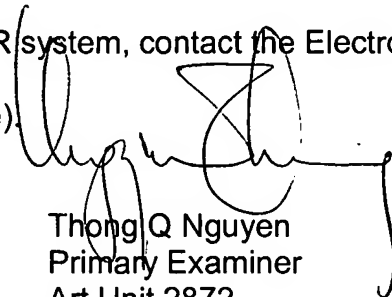
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q Nguyen
Primary Examiner
Art Unit 2872
